

ORIGINAL

United States Courts
Southern District of Texas
FILED

IN THE UNITED STATES DISTRICT COURT

OCT 08 2004

FOR THE SOUTHERN DISTRICT OF TEXAS

Michael N. Milby, Clerk of Court

HOUSTON DIVISION

JENNY'S MEMORIAL BUSINESS	§ CASE NO. CA H-03-5873
	§
VERSUS	§ HOUSTON, TEXAS
	§ AUGUST 31, 2004
PEACOCK FILMS	§ 10:44 A.M. TO 10:48 A.M.

RULE 14 HEARING

BEFORE THE HON. FRANCES H. STACY, U.S. MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff:	DR. BEKEE NWAKANMA P.O. Box 300889 Houston, Texas
	-and-
	MR. KAYMAN (No information provided)
For the Defendant:	(None identified)
Court Recorder:	(None present)

PREPARED BY:

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Proceedings recorded by electronic sound recording,
transcript produced by transcription service. No Electronic
Recording Operator present; therefore, no words and terms or
log notes provided.

1 **THE COURT:** 2003-5873, Jenny's Memorial Business
2 versus Peacock Films, First Miracle Pictures, PFMP and Marsha
3 Vivion.

4 **MR. NWAKANMA:** Good morning, Your Honor.

5 **THE COURT:** Hi.

6 How did I know, Mr. Kayman, if it has motion
7 pictures in it that would be you? You represent Champion
8 Entertainment?

9 **MR. KAYMAN:** Yes. Good morning, Your Honor.

10 **THE COURT:** And Mr. Nwakanma.

11 **MR. NWAKANMA:** Yes.

12 **THE COURT:** Is that pretty good?

13 **MR. NWAKANMA:** Yes, Nwakanma.

14 **THE COURT:** Thank you. You represent Jenny's
15 Memorial Business, the plaintiff, correct?

16 **MR. NWAKANMA:** Yes, Your Honor.

17 **THE COURT:** And what is the case about? Is it a
18 diversity case?

19 **MR. NWAKANMA:** Yes, Your Honor.

20 **THE COURT:** You don't dispute the jurisdiction of
21 this Court?

22 **MR. NWAKANMA:** No, Your Honor.

23 **THE COURT:** And what are you suing Peacock Films,
24 and First Miracle, and Champion Entertainment for?

25 **MR. KAYMAN:** No, Champion Entertainment is a

1 plaintiff in this case.

2 THE COURT: Okay. You're both plaintiffs.

3 MR. KAYMAN: Yes.

4 MR. NWAKANMA: Right.

5 THE COURT: Okay. Who represents the defendants?

6 MR. NWAKANMA: We don't know, Your Honor. We have
7 not heard anything from them.

8 THE COURT: Have you served them?

9 MR. NWAKANMA: Yes, Your Honor.

10 THE COURT: You have?

11 MR. NWAKANMA: Yes.

12 THE COURT: All right. When were they served?

13 MR. NWAKANMA: Just give me a minute, Your Honor.
14 It was on January 1st, 2004.

15 THE COURT: Okay. Is there evidence in the file
16 about that?

17 MR. NWAKANMA: Yes, Your Honor.

18 THE COURT: How were they served?

19 MR. NWAKANMA: Through a process server, Your
20 Honor.

21 THE COURT: By what?

22 MR. NWAKANMA: Through a process server.

23 THE COURT: Process server, okay.

24 There is a notice for a default judgment
25 pending.

1 **MR. NWAKANMA:** Yes.

2 **THE COURT:** That was the same complexion back in
3 April when we had a Rule 16 Conference. Your request for
4 default judgment has been pending since March the 5th.

5 **MR. NWAKANMA:** Yes, Your Honor.

6 **THE COURT:** The record will reflect -- oh, and I do
7 have a copy of your process, your service, summons and
8 petition proof. That's Document No. 5 in the file of the
9 Court. So, I'm going to recommend to Judge Harmon that the
10 case be dismissed for want of prosecution. I won't address
11 schedule today.

12 **MR. KAYMAN:** And that the default judgment was
13 granted, Your Honor.

14 **MR. NWAKANMA:** Granted.

15 **THE COURT:** Is that what the motion is for?

16 **MR. NWAKANMA:** Yes, Your Honor.

17 **MR. KAYMAN:** Yes.

18 **THE COURT:** Default judgment. Okay. I'll
19 recommend the default judgment -- you're the plaintiff. I've
20 got to keep that straight. Okay. So that's what I'm
21 recommending. And just to make sure the case doesn't get
22 forgotten, I'll reset the Rule 16 conference for January the
23 5th, and hopefully that setting will just dissolve upon your
24 motion for default being granted, hopefully.

25 **MR. KAYMAN:** Well, may I ask the Court a question?

1 **THE COURT:** Uh-huh.

2 **MR. KAYMAN:** Would you expect Judge Harmon to sign
3 that default judgment before another Rule 16 Scheduling
4 Conference?

5 **THE COURT:** Hopefully before January.

6 **MR. KAYMAN:** Yeah.

7 **THE COURT:** That's why I'm setting it for then, and
8 making a note to her that I'm recommending that the default
9 judgment be entered.

10 **MR. KAYMAN:** Okay.

11 **THE COURT:** I'm noting that on our docket entry for
12 today. She has, you know, three or four hundred cases.

13 **MR. KAYMAN:** Right.

14 **THE COURT:** And I can just, you know, try to make
15 it easy for her by making this note here.

16 **MR. KAYMAN:** Right.

17 **THE COURT:** Well, it's not inappropriate for you to
18 contact her case manager, say, on a monthly basis, to check up
19 on this motion.

20 **MR. KAYMAN:** Okay.

21 **THE COURT:** You know, like send her a letter or a
22 phone call or something like that to make sure it gets
23 resolved. All right.

24 **MR. KAYMAN:** Thank you, Your Honor.

25 **MR. NWAKANMA:** Thank you.

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THE COURT: Thank you for appearing.

MR. KAYMAN: May we be excused?

THE COURT: Yes.

MR. KAYMAN: Thank you.

(These proceedings concluded at 10:48 a.m.)

* * * * *

C E R T I F I C A T I O N

I certify that the foregoing is a correct
transcript from the electronic sound
recording of the proceedings in
the above-entitled matter.

Jeannine Davis
Signature of Transcriber

9-29-2004
Date

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